

III. REMARKS

Claims 1 and 33-59 are pending in this application. Claims 44, 47, 49, and 50 are amended in this paper.

A. Objection to the Specification.

The Examiner objected to the abstract of the disclosure because "it is too long". See Office Action mailed 16 August 2001 [hereinafter Office Action], ¶ 2. Applicant has amended the abstract of the disclosure to contain 195 words on 15 lines of text. The amended abstract conforms to the guidelines in M.P.E.P. § 608.01(b).

B. Rejections under 35 U.S.C. § 112.

The Examiner rejected claim 49 under 35 U.S.C. § 112, second paragraph, as being "indefinite" because there is "insufficient antecedent basis" for the recited "speed producing device." See Office Action, ¶ 3. Applicant has amended claim 49 solely to recite a "speech producing sub-system" as first recited in independent claim 1. Thus, amended claim 49 complies with § 112, second paragraph, requirements.

C. Rejections under 35 U.S.C. § 102.

The Examiner rejected claims 1, 33-35, 48-51, 58, and 59 under 35 U.S.C. § 102(e) as being "anticipated by Nagashima (GB 2 259 204 A) [hereinafter Nagashima et al.]." See Office Action, ¶ 4. Applicant respectfully traverses this rejection because Nagashima et al. is a patent document filed in Great Britain and therefore cannot be used in a rejection made under § 102(e). Applicant further traverses this rejection because Nagashima et al. do not disclose each and every element of Applicant's claims.

Nagashima et al. disclose “an audio system ... which can notify, when contents of a broadcasting program *have changed*, when a received station *has been changed*, when the source *has been changed* from a source other than an FM broadcast to an FM broadcast, when *any other source than the FM receiver is being reproduced* or in a like case, *contents of a broadcasting program of a received station or a receivable station* then to a user rapidly and with certainty.” (emphasis added) See Nagashima et al., p. 3. To achieve this “object of the present invention,” see id., Nagashima et al. disclose the use of the radio data system (RDS) to output, while receiving a broadcast program, “a predetermined message representative of the name of the broadcast station and the contents of the program.” See id., p. 12. These program contents are not specific to individual broadcast programs, but are instead identified by the RDS program type identifier (PTY), which Nagashima et al. illustrate as indicating “classic music, light music, news, sports or the like.” See id.

Therefore, Nagashima et al. do not disclose or suggest local storage (e.g., at the receiver) of received audio, storage of the received audio in a database, using menus to display the contents of the database to the user of the receiver, or allowing a user to select specific database items for playback in accordance with the present invention. Applicant’s independent claim 1 distinguishes over Nagashima et al. at least by reciting “a database,” “a set of menus describing the database,” “a user interface for providing [the] set of menus describing the database, and for accepting selections from the set of menus,” and “a controller ... for selecting data from the database in response to the accepted selections.” It is not seen where any of these elements are disclosed by Nagashima et al. Accordingly, Applicant’s independent claim 1, and claims 33-35 and 48-51 that depend from claim 1, are not anticipated by Nagashima et al.

Applicant’s independent claim 58 similarly distinguishes over Nagashima et al. by reciting the acts of “storing ... received information in a database,” “providing a set of menus

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

describing the database,” “accepting selections from the set of menus,” and “selecting data from the database in response to the accepted selection.” It is not seen where any of these elements are disclosed by Nagashima et al. Accordingly, Applicant’s independent claim 58 and dependent claim 59 are not anticipated by Nagashima.

D. Rejections under 35 U.S.C. § 103.

The Examiner rejected claims 36-40 under 35 U.S.C. § 103(a) as being “unpatentable over Nagashima ... in view of Lovett [U.S. Patent No. 4,450,477] in view of Rovira (WO 92/10040) [Hereinafter Rovira et al.].” See Office Action, ¶ 5. The Examiner rejected claims 41, 42, and 47 under §103(a) as being “unpatentable over Nagashima ... in view of Rovira.” See id., ¶ 6. However, these rejections all pertain to dependent claims which are allowable for at least the same reasons given above for independent claim 1.

Applicant agrees with the Examiner’s statements that “Nagashima ... does not disclose the received audio data has been converted from analog form to digital form,” “Lovett does not specifically teach transmission of digital signals,” “Nagashima ... does not disclose the received digital audio data is digitized and has been compressed,” and that “Nagashima ... does not disclose the received digital audio data is digitized and has been encrypted.” See id., ¶ 5. Applicant further agrees with the Examiner’s statements that “Nagashima ... does not disclose a decryptor,” “Nagashima ... does not disclose a decompression algorithm,” and “Nagashima does not disclose a control for determining the speed at which the speech output device outputs the analog signal.” See id., ¶ 6.

Applicant respectfully submits that the Examiner’s rejection is in error and traverses the rejection because even the combination of Nagashima et al., Lovett, and Rovira do not disclose all elements of Applicant’s independent claim 1, and therefore do not disclose all

elements of claims that depend from claim 1. Further, there is no suggestion provided by the Examiner to combine these references.

As discussed above, Nagashima et al. do not disclose or suggest Applicant's claim 1. Nagashima et al. disclose only a "receiver having means to indicate type of program received." See Nagashima et al., Title. The other references fail to remedy this shortcoming of Nagashima et al.

Lovett discloses a "television information system" in which data is stored and accessed at a remote "head end," see e.g., Lovett col. 11, lines 50-54, in response to a "subscriber" input on a local "keypad unit 134," see e.g. id., col. 11 lines 1-33. Lovett also discusses a prior art "teletext" system, but notes that "all available data is cycled continuously in a teletext system." See id., col. 10, lines 30-31. Therefore, Lovett does not disclose or suggest a "receiver ... comprising ... a memory ... for storing data in the received broadcast signal in a database" as recited in Applicant's independent claim 1 or other claim elements associated with the recited "database." Nor does Lovett disclose or suggest a "speech producing sub-system" as recited in claim 1. Further, Lovett discloses only a "television information system," see Lovett, Title, that uses two-way communication between a "subscriber" and a "head end" and thus no motivation exists to combine with Nagashima et al. since Lovett is concerned with data retrieval and not the type of program being received.

Rovira et al. disclose "transmitting digital signals accompanied by program content data so that listeners/viewers may see a display of the program content data as they are listening/viewing the performance, without interrupting the performance." See Rovira et al., p. 1. Therefore, Rovira et al. do not disclose or suggest a "database" as recited in Applicant's independent claim 1 or other claim elements associated with the recited "database." Nor do Rovira et al. disclose a "speech producing sub-system" as recited in claim 1. Rovira et al. disclose only a "Method and Apparatus for Transmitting, Receiving and Communicating Data

Signals With Corresponding Program Data Signals,” see Rovira et al., Title, which concerns information about a broadcast program. Thus any combination of Nagashima et al. and Rovira et al. does not suggest storage of audio information in a receiver in accordance with Applicant’s claim 1.

Since none of Nagashima et al., Lovett, and Rovira et al. disclose or suggest all elements of Applicant’s independent claim 1, even the combination of these three references fails to disclose or suggest claim 1 or the claims that depend from claim 1. Accordingly, claims 36-40 are patentable over these three references. Likewise, even the combination of Nagashima et al. and Rovira et al. does not disclose or suggest all elements of Applicant’s independent claim 1, and therefore dependent claims 41, 42, and 47 are patentable over these two references for at least the same reasons as given for independent claim 1.

E. Allowable subject matter.

Applicant expresses appreciation for the Examiner’s indication that claims 43-46 and 52-57 are allowable if “rewritten in independent form including all of the limitations of the base claim and any intervening claims.” See Office Action, ¶ 7. Since, as discussed above, Applicant believes that the “base claims and any intervening claims” are patentable over the Examiner’s cited references, and so believes that claims 43-46 and 52-57 are patentable without being so rewritten.

F. Other.

Applicant has amended the specification to show the correct chain of priority among applications. Specifically, this application is a continuation of 08/769,092, which is a divisional of 08/181,394, which is a continuation-in-part of 08/031,763. The new text shows

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

that 08/181,394 falls between the 08/769,092 and 08/031,763 applications. Applicant claims this proper chain of priority in the instant application.

Applicant has amended claim 44 to depend from claim 41. Applicant has amended claim 47 to recite a "speech producing sub-system" as recited in independent claim 1.

Applicant has amended claim 50 to recite a "receiver" as recited in independent claim 1.

None of these amendments are made in response to an Examiner's rejection, but are directed solely to matters of form.

G. Request.

Applicant respectfully requests the Examiner reconsider the objections and rejections made in the action mailed 16 August 2001 and pass all pending claims to issue. If the Examiner's next action is other than to issue a Notice of Allowance, Applicant requests the Examiner telephone the undersigned attorney at 408-453-9200 so as to expedite prosecution of this application.

EXPRESS MAIL LABEL NO:

EL 937 080 338 US

Respectfully submitted,



Christopher B. Allenby
Attorney for Applicant
Reg. No. 45,906

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

VERSION WITH MARKINGS TO SHOW CHANGES MADE

I. IN THE SPECIFICATION

—A system and method of information dissemination that permits the user to listen to the specific content of information when and where he or she wants to. A radio or television receiver system receives information from an FM subcarrier, a television vertical blanking interval transmission, a television separate audio program transmission, or a dedicated channel and stores the transmitted information in a memory. A user interface allows selection from the memory of the stored information via a set of menus controlling a hierarchical database[,] so as to access particular items of information. Typically the system includes RAM and/or a storage medium [such as a digital audio tape, a magneto-optical mini-disk, a magnetic disk or optical disk,] sufficient to store information for 10 hours of audio. A decompression device[,] accepts the accessed compressed digital audio information items [which may have been encrypted] and transforms them into the original audio [spoken speech]. A voice or manual [The] user interface [is either by voice or a single or multi-position switch allowing] allows scanning through and selection from the menu items. The signal for such a device is generated by converting analog audio signals into a digital audio data stream which may be encrypted. The [encrypted] digital data stream is compressed and transmitted [inserted on the radio or television carrier via an FM subcarrier, the television vertical interval or the separate audio program channel of a television transmitter]. The system is also capable of transmitting alphanumeric data and converting this alphanumeric to a voice form using a speech synthesizer.—

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

II. IN THE CLAIMS

44. (Amended) The device of Claim 41 [31], wherein the decryptor is enabled by a key device operatively connected to the decryptor.

47. (Amended) The device of Claim 1, wherein the user interface includes a control for determining a speed at which the speech producing sub-system [output device] outputs the analog signal.

49. (Amended) The device of Claim 1, further comprising:

an amplifier connected to the speech [speed] producing sub-system [device] for
amplifying the analog signal; and
means for converting the amplified signal to sound.

50. (Amended) The device of Claim 1, further comprising means for connecting the receiver [receiving system] to an automobile radio set.

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979